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February 5, 1997

VIA HAND DELIVERY

Mr. William Caton
Secretary
Federal Communications Commission
1919 M Street, N.W. -Room 222
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY


Re: Allocation of the S-Band Spectrum for DAR Service;
~~IB Docket No. 95-91~~ GEN Docket 90-357

Dear Mr. Caton:

On behalf of the Consumer Electronics Manufacturers Association ("CEMA"), enclosed for filing is an original and two (2) copies of a letter regarding the above-captioned proceeding that was hand delivered to Commissioner Susan Ness, Mr. Julius Genochowski, Mr. Rudolpho M. Baca, Ms. Jane E. Mago and Mr. David R. Siddall earlier today. Please associate this filing with dockets IB No. 95-91 and GEN No. 90-357.

Should you have any questions or concerns please do not hesitate to contact me.

Very truly yours,



William B. Wilhelm

Enclosures

cc: Attached List

No. of Copies rec'd
List ABCDE

0+1

John Stern (FCC)

Steve Smarkin (FCC)

Rosalee Chiana (FCC)

Richard Engelman (FCC)

John R. Williams (FCC)

Jonathan D. Levy (FCC)

Michele Farquhar (FCC)

Thomas Stanley (FCC)

Robert Greenberg (FCC)

Robert Briskman, President
(Satellite CD Radio)

Howard Liberman, Esq.
(Primosphere Limited Partnership)

Guy Christiansen, Esq.
(Primosphere Limited Partnership)

Doug Minster,
(Digital Satellite Broadcast Corp.)

Diane Hinson, Esq.
(Digital Satellite Broadcast Corp.)

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(American Mobile Radio Corp.)

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Consumer Electronics Manufacturers Association
A sector of the Electronic Industries Association
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February 4, 1997

Mr. Julius Genachowski
Legal Counsel
Office of the Chairman
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Allocation of the S-Band Spectrum for DAR Service; IB Docket No. 95-91;
GEN Docket 90-357

S. 1.5
Dear Mr. Genachowski:

Thank you for meeting with us on Wednesday to discuss the Commission's proposed allocation of the S-Band spectrum for DAR service, and allowing us to provide you with data from our recent testing of DAR transmission technologies.

We believe that our tests have documented significant technical problems with the use of the S-Band for DAR, and we encourage the Commission to investigate the allocation of alternative spectrum that may be more suitable. At the same time, we recognize that prospective DAR license auction participants hold a different technical opinion as to the suitability of S-Band for digital radio service.

CEMA's overriding interest in this matter is to ensure that DAR, when introduced, is capable of providing a seamless national service that can be received in urban and rural areas in both mobile and stationary environments. If not, the great promise of DAR will be squandered on a limited-use service receivable only on stationary receivers by the small fraction of the public located in unobstructed regions of the country.

Therefore, should the proposed auction of S-Band DAR licenses proceed, we request that the Commission define a set of specific requirements for DAR service implementation.

Specifically, we suggest that in addition to the satellite construction and launch milestones recommended by the Commission, each license be subject to additional buildout and service conditions. CEMA recommends that these license conditions should include: (i) a requirement that a DAR licensee be offering quality, seamless digital radio coverage to a significant percentage of the stationary and mobile radio receivers within the top 100 metropolitan markets within five years of the license grant; and (ii) a requirement that DAR licensees demonstrate to the Commission that they are successfully providing seamless quality DAR to mobile users. Only

Mr. Genachowski

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such requirements ensure that the American public is not denied full benefit of DAR, and that DAR assumes its rightful place in this nation's communications structure.

In addition, CEMA is poised to undertake for a comprehensive analysis of the comparative technical merits of the candidate frequency bands (2310-2360 MHz, 1710-1755 MHz and 1452-1492 MHz) by an unaffiliated, third-party research organization. We are prepared to go forward should the Commission believe such data would be of assistance prior to making a determination concerning DAR allocation. The results of this analysis could be ready in as little as eight weeks.

Please do not hesitate to contact us if we can provide you with any further information.

Sincerely,



Gary Shapiro
President